

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Docket No. 21-cr-78
)	
HUSSEIN MUBARAK,)	
Defendant.)	

MOTION FOR DETENTION

NOW COMES the United States of America, by and through its attorney, Jonathan A. Ophardt, Acting United States Attorney for the District of Vermont, and moves for the pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. The defendant is eligible for detention because the case involves an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act. See 18 U.S.C. § 3142(f)(1)(C).

2. Reason For Detention. The Court should detain the defendant because there are no conditions of release which will reasonably assure the safety of the community and the defendant's appearance as required.

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against the defendant under § 3142(e). The presumption applies because there is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801 et seq.).

4. Other Matters. The defendant is charged with possessing with intent to distribute cocaine base. The defendant also appears to have multiple pending state criminal charges. When

the defendant was arrested by the Burlington Police Department in the early morning hours of Sunday, September 5, 2021, he was found to possess a semiautomatic handgun as well as approximately 1.6 grams of apparent cocaine base on his person. The defendant's possession of a firearm, particularly in the context of his pending drug charge, indicates that the defendant presents a danger to the community. Further, that the defendant possessed both a firearm and cocaine base on his person when he appears to have multiple pending state criminal charges also indicates that he is unlikely to abide by conditions of release, and is thus a flight risk. Accordingly, the defendant should be detained.

Dated at Burlington, in the District of Vermont, September 7, 2021.

Respectfully submitted,

UNITED STATES OF AMERICA

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Acting United States Attorney

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